

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**KYLE A. JAHN,**

**Plaintiff,**

**v.**

**TIFFIN HOLDINGS, INC., et al.**

**Defendants.**

**Civil Case No. SAG-18-1782**

\* \* \* \* \*

**MEMORANDUM AND ORDER**

On May 14, 2020, Plaintiff Kyle Jahn (“Plaintiff”) filed a Motion to Withdraw Remaining Count III of Amended Complaint and Request to Enter Final Judgment, ECF 68 (“the Motion”). On the same day, this Court entered an Order directing Defendants to file an opposition to the Motion on or before Friday, May 29, 2020. ECF 69. No opposition was filed. The Motion is thus ripe for decision, and no hearing is necessary. *See* Loc. R. 105.6 (D. Md. 2018).

Federal Rule of Civil Procedure 41(a)(2) provides that at any time, the plaintiff may request that an action, in whole or in part, be dismissed. Such motions “should not be denied absent plain legal prejudice to the defendant.” *Ellett Bros., Inc. v. U.S. Fidelity & Guar. Co.*, 275 F.3d 384, 388 (4th Cir. 2001). Here, while discovery has concluded, only Plaintiff has filed a dispositive motion, and that motion was decided in his favor. Defendants filed neither a counterclaim nor a motion for summary judgment. Thus, the Court cannot discern any legal prejudice to Defendants from the voluntary dismissal of Count III at this stage. *See Bridge Oil, Ltd. v. Green Pac. A/S*, 321 F. App’x 244, 245 (4th Cir. 2008).

Therefore, it is, this 1st day of June, 2020, hereby **ORDERED** that Plaintiff's Motion to Withdraw Remaining Count III, ECF 68, is **GRANTED**. The Clerk is **DIRECTED** to **CLOSE** this case. Should Plaintiff seek to recover his attorneys' fees and other costs associated with this litigation, he must file an appropriate motion on or before **June 22, 2020**. Defendants shall have twenty-one (21) days to respond to Plaintiff's request for fees and costs, beginning from the day on which Plaintiff files his motion. A final order of judgment will follow the Court's decision on Plaintiff's request for costs and fees. The Clerk is further **DIRECTED** to mail a copy of this Memorandum and Order to Defendants at their respective addresses of record.

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/s/  
Stephanie A. Gallagher  
United States District Judge